UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,050	10/20/2000	Timothy Robert Weinstock	1017-6592	8576

21888   7590   04/05/2007
THOMPSON COBURN, LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

EXAMINER
MORGAN, ROBERT W

ART UNIT	PAPER NUMBER
3626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *96-136* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *96-136* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *12/22/06*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 12/22/06 has been entered.

Notice to Applicant

2.   In the amendment filed 12/22/06 the following has occurred: Claims 1-95 have been

canceled and claims 96-136 have been added. Now claims 96-136 are presented for examination.

Information Disclosure Statement

3.   The information disclosure statement filed 12/22/06 has been entered and acknowledged

by the Examiner.

Oath/Declaration

4.   The declaration filed 12/22/06 has been entered and acknowledged.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 96-105, 107-127 and 131-136 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 5,794,207 to Walker et al. in view of "Many Ways to Sell" by

Travel Agent in further view of U.S. Patent No. 6,125,384 to Brandt et al.

As per claim 96, Walker et al. teaches a method and apparatus for bilateral buyer-driven

commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer

interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). In

addition, Walker et al teaches in box (515, Fig. 5), that a buyer logs on (reads on "access by an

authorized purchaser computer via the Internet to provide a user of the authorized purchaser

computer with an ability to book a rental vehicle reservation with any of a plurality of

competitive rental vehicle service providers") to central controller to purchase for example, a

rental car using a electronic form or contract, the form is displayed via the buyer interface (400,

Fig. 1) (see: column 16, lines 15, line 60 to column 16, line 11). Walker et al. further teaches that

the form is a conditional purchase offer (CPO), which specifies the subject of the goods a person

wishes to purchase, a description of the goods a person wishes to obtain, and any other

conditions the buyer requires (see: column 8, lines 46-49). The CPO may be transcribed into

digital text and made available to potential sellers ("plurality of competitive providers") (see:

column 17, lines 7-19 and column 18, lines 15-21). Additionally, buyers are able to reach a large

number of remotely located sellers (see: column 10, lines 40-43).

Walker fails to teach:

--the claimed GUI menus is configured to accept a selection by the user as to which one

of the plurality of competitive rental vehicle service providers that a rental vehicle reservation is

to be booked;

--the claimed computer network operated by the one the competitive rental service

providers and the computer network comprising a mainframe that is configured to execute a

rental vehicle software program;

--the claimed wherein at least one of the GUI menus is configured to interface a user of

the authorized purchaser computer with the rental vehicle software program; and

--the claimed wherein the rental vehicle software program is configured to (1)

automatically book, in response to input from the user, a rental vehicle reservation with the

competitive rental vehicle service provider that operates the computer network without human

intervention on the part of personnel of the competitive rental vehicle service provider that

operates the computer network and (2) manage the booked rental vehicle reservation in response

to input from the user.

Travel Agent teaches Enterprise Rent-a-Car 24-hour car reservation service that enables

insurance adjusters to quickly secure a car for customers. Automated Rental Management

System or ARMS, allows insurance companies to do business with Enterprise electronically,

including making reservation, rental extensions, billing and payment (see: paragraph 2). The

Examiner considers the 24-hour reservation service to be a mainframe that is configured to

execute rental vehicle software and using a computer network operated by the one the

competitive rental service providers.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to include Enterprise Rent-a-Car 24-hour car reservation service as

taught by Travel Agent within the bilateral buyer-driven commerce method for car rental as

taught Walker et al. with the motivation of allowing authorized user to provide reliable and

dependable service to customer involved in rental car insurance claim.

Walker et al. and Travel Agent fail to teach:

--the claimed GUI menus is configured to accept a selection by the user as to which one

of the plurality of competitive rental vehicle service providers that a rental vehicle reservation is

to be booked;

--the claimed computer network comprising a mainframe that is configured to execute a

rental vehicle software program;

--the claimed wherein at least one of the GUI menus is configured to interface a user of

the authorized purchaser computer with the rental vehicle software program; and

--the claimed wherein the rental vehicle software program is configured to (1)

automatically book, in response to input from the user, a rental vehicle reservation with the

competitive rental vehicle service provider that operates the computer network without human

intervention on the part of personnel of the competitive rental vehicle service provider that

operates the computer network and (2) manage the booked rental vehicle reservation in response

to input from the user.

Brandt et al. teaches FlowMark application software with purpose of renting a car that

allows an authorized user to enter car rental information through a rental car agency's web site

form (see: column 14, line 53 to column 15, line 37). Brandt et al. further teaches that the

FlowMark application software outputs data container, which include car rental reservation

information (see: column 14, lines 6-10 and 53-64). In addition, Brandt teaches that the car rental

process model (440, Fig. 4) may model activity as a completely automatic process, which runs to

completion without any human intervention (see: column 17, lines 28-58).

One of ordinary skill in the art at the time the invention was made would have found it

obvious to include the automated process in the FlowMark application software for car rental

within the Walker et al. and Travel Agent system with the motivation of providing a faster and

more efficient way to process car rental application without any human intervention.

As per claim 97, Walker et al. teaches the claimed mainframe comprises a first

mainframe, and wherein the computer network further comprises:

a second mainframe in communication with the first mainframe;

a database in which rental vehicle reservation data is stored, wherein the database is in

communication with the second mainframe; and

a plurality of branch office computers of the competitive rental vehicle service provider

that operates the computer network, wherein the plurality of branch office computers are in

communication with the second mainframe; and

wherein the second mainframe is configured to execute a software program for access by

the branch office computers to fulfill rental vehicle reservations that are stored within the

database and that were booked and managed by the rental vehicle software program in response

to input from the user. This limitation is met by the method and apparatus for bilateral buyer-

driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and

buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-

59 and Fig. 1). In addition, each controller is attached to WAN hub that serves as the primary

communication link for the interface devices (see: column 14, lines 31-41).

As per claim 98, Walker et al. teaches the claimed Internet web portal is further

configured to transmit a rental vehicle reservation to a different one of the selected competitive

rental vehicle service providers via email over the Internet. This feature is met by the network

interface (245, Fig. 2) that is the gateway to communicate with the buyers and sellers

(competitive rental vehicle service providers) via email over the Internet (see: column 14, lines

8-30).

As per claim 99, Walker et al. teaches the claimed Internet web portal is further

configured to transmit a rental vehicle reservation to a different one of the selected competitive

rental vehicle service providers via phone. This feature is met by the network interface (245, Fig.

2) that is the gateway to communicate with the buyers and sellers (competitive rental vehicle

service providers) via voice mail interface (see: column 14, lines 8-30 and column 9, lines 52-

56).

As per claim 100, Walker et al. teaches the claimed Internet web portal is further

configured to transmit a rental vehicle reservation to a different one of the selected competitive

rental vehicle service providers via facsimile. This feature is met by the buyers and sellers

communicating with the central controller via telephone and facsimile (see: column 14, lines 8-

30 and column 9, lines 52-56).

As per claim 101, Walker et al. teaches the claimed second one of the computer

networks, wherein the second one of the computer networks is operated by a different one of the

competitive rental vehicle service providers. This limitation is met by a seller interface (300, Fig.

1) (see: column 11, lines 55-59). In addition, Walker et al teaches a conditional purchase offer

(CPO), which specifies the subject of the goods a person wishes to purchase, a description of the

goods a person wishes to obtain, and any other conditions the buyer requires (see: column 8, lines 46-49). The CPO may be transcribed into digital text and made available to potential sellers ("plurality of competitive providers") (see: column 17, lines 7-19 and column 18, lines 15-21).

As per claim 102, Brandt et al. teach the claimed Internet web portal is configured for access by a plurality of authorized purchaser computers, and wherein the Internet web portal is further configured to customize the GUI menus on a per authorized purchaser computer user basis. This limitation is met by the FlowMark application software with purpose of renting a car that allows an authorized user to enter car rental information through a rental car agency's web site form (see: column 14, line 53 to column 15, line 37).

As per claim 103, Brandt et al. teach the claimed Internet web portal is configured to provide a user of the authorized purchaser computer with a single set of GUI menus for booking a rental vehicle reservation with all of the competitive rental vehicle service providers. This limitation is met by the FlowMark application software with purpose of renting a car that allows an authorized user to enter car rental information through a rental car agency's web site form (see: column 14, line 53 to column 15, line 37).

As per claim 104, Brandt et al. teach the claimed Internet web portal is further configured to accommodate a plurality of varying data requirements for rental vehicle reservations with the competitive rental vehicle service providers. This limitation is met by the FlowMark application software with purpose of renting a car that allows an authorized user to enter car rental information through a rental car agency's web site form (see: column 14, line 53 to column 15, line 37).

As per claim 105, Travel Agent teaches the claimed rental vehicle software program is further configured to support a plurality of management functions by the user for a rental vehicle reservation, the management functions comprising a rental vehicle reservation extension by the user, an authorization by the user of a request for a rental vehicle reservation extension requested by someone other than the user, an authorization by the user for a rental vehicle reservation booked by someone other than the user, and a change in rental vehicle reservation authorization by the user (see: paragraph 2).

As per claims 128-130, they are rejected for the same reason set forth in claims 106-108.

As per claims 109-112, Walker et al. teaches at step 500, buyer logs on the central controller (200, Fig. 2) using buyer modem (450, Fig. 1) at step 500 (see: column 15, lines 60-65) and seller logs onto central controller (200, Fig. 1) using modem (350, Fig. 1) at step 900 (see: column 18, lines 56-59). Walker et al. also teaches several servers working in conjunction with buyer interface (400, Fig. 1) and seller interface (300, Fig. 1) (see: column 27, lines 25-30). In addition, Walker et al. teaches a method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). Walker et al. further teaches that the form is a conditional purchase offer (CPO), which specifies the subject of the goods a person wishes to purchase, a description of the goods a person wishes to obtain, and any other conditions the buyer requires (see: column 8, lines 46-49). The CPO may be transcribed into digital text and made available to potential sellers ("plurality of competitive providers") (see: column 17, lines 7-19 and column 18, lines 15-21). Additionally, buyers are able to reach a large number of remotely located sellers (see: column 10, lines 40-43).

As per claim 113, it is rejected for the same reason set forth in claim 96.

As per claims 114-117, Travel Agent teaches Enterprise Rent-a-Car 24-hour car reservation service that enables insurance adjusters to quickly secure a car for customers. Automated Rental Management System or ARMS, allows insurance companies to do business with Enterprise electronically, including making reservation, rental extensions, billing and payment (see: paragraph 2). The Examiner considers that an insurance adjuster (reads on "business organization comprises an insurance company") extending a rental to include a replacement rental vehicle reservation on behalf of a plurality of third party renters.

As per claims 118-126 and 131-136, they are rejected for the same reasons set forth in claims 97-100, 97, 102, 116, 103-105, 109-110, 109, 112, 109, respectively.

7.   Claims 106-108 and 128-130 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,794,207 to Walker et al., "Many Ways to Sell" by Travel Agent and U.S. Patent No. 6,125,384 to Brandt et al. as applied to claims 97 and 105 above, and further in view of U.S. Patent No. 5,182,705 to Barr et al.

Walker et al., Travel Agent and Brandt et al. teach the FlowMark application software with purpose of renting a car that allows an authorized user to enter car rental information through a rental car agency's web site form (see: Brandt et al.: column 14, line 53 to column 15, line 37).

Walker et al., Travel Agent and Brandt et al. fail to teach

--the claimed create a plurality of workgroups of users, wherein each workgroup shares a workload of management function actions;

--the claimed assigning each user of the authorized purchaser computers with an authorization limit; and

--the claimed authorization limit includes a financial commitment dollar limit that a user can make over a specified time period.

Barr et al. teaches an automated work management system used to process an insurance claims (see: column 3, lines 5-11 and 28-42). In addition, Barr et al. teaches a Staff Table function that provides an online record for each member of the claim staff and authority level and caseload limits of each staff member are set by supervisors with appropriate authority and entered into the Staff Tables. These records can be modified, deleted or added as necessary (see: column 7, lines 3-16). Barr et al. further teaches a security system called MENUTECH® which assigns security levels to each employee by giving them a User ID and a password. When an employee using the computer stations (32, 34, 36 Fig. 5) wishes to use the system, he must "Log On" using his User ID and a password, and if correctly entered a Main Menu screen for the operator's appropriate security level displayed (see: column 10, lines 44 to column 11, lines 1). Additionally, Barr et al. teaches a Staff Tables function that maintains information relevant to the claim office personnel such as authority level, case load maximum, job title, etc. for each staff member. Supervisors determine the proper reserve authority level, payment authority level, diary limit, case load amount, etc. for each staff member (see: column 29, lines 1-11 and column 31, lines 24-65 and Table XXVI).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to the include assigning authorization limit as taught by Barr et al. with the system as taught by Walker et al., Travel Agent and Brandt et al. with the motivation of

reducing paper intensity in the maintenance of records in processing claims (see: Barr et al.:

column 3, lines 1-2).

Response to Arguments

8.   Applicant's arguments filed 12/22/06 have been fully considered but they are not

persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they

appear in the response 12/22/06.

(A) In response to Applicant argument, it is respectfully submitted that the Examiner has

applied new passages and citations to newly added claims 96-136 at the present time. The

Examiner notes that newly added claims were not in the previously pending claims as such,

Applicant's remarks with regard to the application of Walker et al., Travel Agent and/or Brandt

et al. to the newly added claim are moot in light of the inclusion of the teachings of Barr and

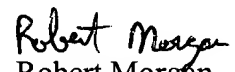addressed in the above Office Action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773.

The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert Morgan
Patent Examiner
Art Unit 3626